

REMARKS

Claims 1-6, 9-25, 29 and 33 were previously canceled. Claims 7, 8 and 26-28 and 30-32 remain pending in the application.

The Applicants respectfully request that the Examiner initial and return a copy of the IDS filed on January 10, 2008.

Claims 26, 28, 30 and 32 over Chack and Helferich

In the Office Action, claims 26, 28, 30 and 32 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Pat. No. 6,751,211 to Chack ("Chack") in view of U.S. Patent No. 6,636,733 to Helferich ("Helferich"). The Applicants respectfully traverse the rejection.

Claims 26, 28, 30 and 32 recite, inter alia, a system and method that unconditionally terminates a call from a calling communication device without answering the call and upon a determination of call related information associated with the call. The Examiner relies on Chack at col. 7, lines 61-65 and col. 8, lines 61-63 to allegedly teach such features. (See Office Action, page 7)

Applicants' invention provides a way for a user of a calling communication device to receive user specified pre-designated information without incurring fees associated with data access charges for accessing such information.

Chack teaches:

In certain situations, a transaction processing system may receive an incoming call notification, but may not be capable of accepting the call for processing (e.g., all agents are already busy and all queues are full). If a particular call cannot be accepted, then the transaction processing system may provide a URL to the caller without answering the call. The web page associated with the URL informs the caller that the system is unable to answer the call, and provides the user with alternate options (e.g., leave an e-mail message, request that an agent call the user, or browse web pages containing information about the organization called by the caller). Since the transaction processing system does not answer the incoming call, no connect charges are incurred because no connection was established. Typically, these connect charges are incurred by the

operator of the transaction processing system that provides a toll-free number used by callers.

Chack teaches that in instances in which a particular call cannot be accepted, a caller is provided with a URL that allows a user to leave an e-mail message, request that an agent call the user, or browse web pages containing information about the organization called by the caller. Thus, Chack's invention conditionally provides a user with a URL if a particular call cannot be accepted. In ALL other instances the call is answered and the caller incurs fees, which is what Applicants' invention avoids. A conditional non-acceptance of a call is not unconditional termination of a call from a calling communication device without answering the call, much less upon a determination of call related information associated with the call, as claimed.

Claims 26, 28, 30 and 32 recite, *inter alia*, a system and method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile in response to an unconditional termination of a call from a calling communication device. A second call to the phone number triggering transmission of user specified pre-designated information to the calling device.

As discussed above, Chack teaches conditional termination of a call. It follows that Chack fails to teach or suggest triggering a transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile in response to an unconditional termination of a call from a calling communication device, as recited by claims 26, 28, 30 and 32.

The Examiner's Response to Arguments acknowledges that "Chack is capable of receiving, transmitting, queuing, routing, or otherwise processing a transaction and since Chack can handle mixed transactions (e.g., receive a telephone call and respond to the telephone call using electronic mail)." (See Office Action, page 3)

Applicants' claims require TWO calls. The second call is to a phone number provided in a data message that when called triggered transmission of user specified pre-designated information to a calling

communication device. Chack's invention relies only on a SINGLE call, the call that initiates transmission of a URL. Chack then relies on data access to access the URL, which as discussed above is the type of fee incurring communication that Applicants' invention avoids. Chack's invention is not able to process a SECOND call to a phone number provided in a data message, as recited by claims 26, 28, 30 and 32.

The Examiner acknowledges that Chack fails to teach a data message that comprises a phone number. (see Office Action, page 8) As discussed above, the reason that Chack fails to teach such features is that Chack's transaction processing system transmits a uniform resource locator (URL) to a transaction initiator (see Chack, col. 8, lines 61-63), requiring that a user access the URL for further information and/or options. Chack's transaction processing system is only able to service the URL that is transmitted to a transaction initiator not a SECOND call, as claimed. Thus, to modify Chack's transaction processing system to transmit a data message that comprises a phone number would be nonsensical within the context of Chack's invention – which lacks a system and method that is able to service a SECOND call to a phone number provided in a data message, as required by the claims.

Chack's system is at best able to service electronic messages, emails or URLs not a SECOND call to a phone number included with a data message, with a call to the phone number triggers transmission of user specified pre-designated information to the calling device, as recited by claims 26, 28, 30 and 32.

Helperich teaches:

The email server 16 communicates with the message processor 18 for establishing a temporary mailbox associated with a specific callback number, which was assigned to a message.

When the message processor 18 receives a call directed to a specific callback number, the message processor 18 prompts the mobile phone user to dictate a reply message for the specific recipient identified by header information contained in the original message (step 216). The message processor 18 records the voice reply message, notifies the email server 16 of the voice message, and provides the email server with the callback telephone number that the user dialed (or that the mobile phone

10 automatically dialed in response to the user activating the reply command) (step 218).

The email server 16 uses the callback telephone number to retrieve the email message associated therewith (step 220). The email server 16 then transmits to the originator of the email message associated with the callback telephone number at least the voice message recorded by the message processor 18 (step 222). In one embodiment, only the voice message is transmitted, in other embodiments, the voice message plus the email message associated with the callback number are transmitted. (*emphasis added; see Helferich, col. 4, line 54 to col. 5, line 9*)

Helferich teaches a temporary mailbox associated with a specific callback number. When a call is directed to this callback number, a mobile phone user can leave a reply message. An email server uses the callback number to determine an originator of an email message, and transmits a voice message or a voice message plus the email message associated with the callback number.

Thus, Helferich teaches “receiving at the mobile phone the information forwarded by the email server, which at the least includes a callback number...Upon activating the reply command, the mobile phone automatically places a call to the callback number.” (see col. 4, lines 32-43) As discussed above, calling the callback number allows a user to leave a reply message and allows an email server to transmit a voice message and email to the originator of the callback number. The originator does NOT specify and pre-designate the voice message and email, as an originator cannot know in advance that such information even exists. Helferich, like Chack fails to teach or suggest a data message comprising a phone number within a system and method for triggering transmission of user specified pre-designated information to a calling device, as required by claims 26, 28, 30 and 32.

Even if it were obvious to theoretically modify Chack with Helferich’s alleged teachings, the result would be a transaction processing system that transmits a URL or an email message (Chack) that includes a callback phone number (Helferich). But, as discussed above, Chack’s transaction processing system is unable to service a SECOND phone call from this callback phone number. It is able to service only a URL or an email. Thus,

the Examiner's theoretical modification of Chack would still fail to result in a functional system. Chack and Helperich, either alone or in combination, fail to disclose, teach or suggest a system and method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile in response to an unconditional termination of a call from a calling communication device, with a second call to the phone number triggering transmission of user specified pre-designated information to the calling device, as required by claims 26, 28, 30 and 32.

Accordingly, for at least the above reasons, claims 26, 28, 30 and 32 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

Claims 7, 8, 27 and 31 over Chack, Helperich, and Pepe

In the Office Action, claims 27 and 31 were rejected under 35 USC 103(a) as allegedly being obvious over Chack in view of Helperich, and in further view of U.S. Pat. No. 5,742,668 to Pepe et al. ("Pepe"), with claims 7 and 8 being rejected under 35 USC 103(a) as allegedly being obvious over Pepe in view of Chack and Helperich. The Applicants respectfully traverse the rejection.

Claims 27 and 31 are dependent on claims 26 and 30, and are allowable for at least the same reasons as claims 26 and 30.

Claims 7, 8, 27 and 31 recite, *inter alia*, a system and method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile in response to an unconditional termination of a call from a calling communication device. A second call to the phone number triggering transmission of user specified pre-designated information to the calling device. As discussed above, Chack and Helperich, either alone or in combination, fail to disclose, teach or suggest such features.

The Examiner relies on Pepe to allegedly teach "converting retrieved user information to short message and transmitting to calling device." (see Office Action, page 6)

Pepe teaches that an e-mail body can include a message sender's address that includes a voice mail phone number. (See col. 19, lines 41-52) Triggering transmitting of a voice mail to a calling device is not triggering transmission of user specified pre-designated information, as required by claims 7, 8, 27 and 31.

Chack and Helferich, even in view of Pepe, either alone or in combination, would still fail to disclose, teach or suggest a system and method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile in response to an unconditional termination of a call from a calling communication device, with a **second** call to the phone number triggering transmission of user specified pre-designated information to the calling device, as required by claims 7, 8, 27 and 31.

Accordingly, for at least the above reasons, claims 7, 8, 27 and 31 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

Claims 7 and 8 over Makela, Chack, and Helferich

In the Office Action, claims 7 and 8 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Patent No. 6,301,338 to Makela et al. ("Makela") in view of Chack and Helferich. The Applicants respectfully traverse the rejection.

Claims 7 and 8 recite, *inter alia*, a system and method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile in response to an unconditional termination of a call from a calling communication device. A **second** call to the phone number triggering transmission of user specified pre-designated information to the calling device. As discussed above, Chack and Helferich, either alone or in combination, fail to disclose, teach or suggest such features.

Makela appears to disclose a communication device comprising a message function wherein a short message is set in response to an incoming

message in a situation where the user can't answer the call. (see Abstract) A user can depress a function key to select a predefined message from a list of ready messages (See Makela, col. 7, lines 43-46) The user can write a desired reply message through a keypad. (See Makela, col. 7, lines 22-23)

Thus, Makela teaches transmission of a keypad reply message or a canned reply message – not a data message comprising a phone number to a calling device according to a user specific retrieval profile, as required by claims 7 and 8.

Moreover, Makela teaches a reply message that is specified by a called party at a time of a call. A calling party reply message specified at a time of a call is not user specified pre-designated information, as required by claims 7 and 8.

Chack and Helferich, even in view of Makela, either alone or in combination, would still fail to disclose, teach or suggest a method for triggering transmission of a data message comprising a phone number to a calling device according to a user specific retrieval profile in response to an unconditional termination of a call from a calling communication device, with a second call to the phone number triggering transmission of user specified pre-designated information to the calling device, as required by claims 7 and 8.

Accordingly, for at least the above reasons, claims 7 and 8 are patentable over the prior art of record. It is therefore respectfully requested that the rejections be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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